P.R. No. 550406 SINGLE BENCH
Presented by Shri A.N. Bajpai
dated 6.10.06

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CG)

WRIT PETITION (S) NO. 5484 /2006

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA,

PETITIONER

Shyam Bandhu Patel, aged about 47 years, son of Shri Ghansiram Patel, Upper Division Teacher - Government Tribal Higher Secondary School, Tamta, Distt. Jashpur (C.G.).

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through – Secretary, Department of Tribal Welfare, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The Commissioner, Department of Tribal Welfare, Raipur (C.G.)
3. Assistant Commissioner, Department of Tribal Welfare, District Jashpur Nagar (C.G.)
4. The Principal, Government Higher Secondary (Tribal) School, Tamta, District Jashpur (C.G.)

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(33)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (s) No. 5481 of 2006

Petitioner : Baij Nath Prasad Nand

Versus

Respondents : State of Chhattisgarh & others

W. P. (s) No. 5484 of 2006

Petitioner : Shyam Bandhu Patel

Versus

Respondents : State of Chhattisgarh & others

W. P. (s) No. 5485 of 2006

Petitioner : Bahadur Singh Sidar

Versus

Respondents : State of Chhattisgarh & others

W. P. (s) No. 5487 of 2006

Petitioner : Devlal Kurre

Versus

Respondents : State of Chhattisgarh & others

W. P. (s) No. 5488 of 2006

Petitioner : Atma Ram Rao

Versus

Respondents : State of Chhattisgarh & others

W. P. (s) No. 5489 of 2006

Petitioner : Sunil Shrivastava

Versus

Respondents : State of Chhattisgarh & others

W. P. (s) No. 5490 of 2006

Petitioner : Dadu Ram Patel

Versus

Respondents : State of Chhattisgarh & others

And

W. P. (s) No. 5491 of 2006

Petitioner : Suman Kumar Kujur

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri A. N. Bhakta, Advocate for the Petitioners.
Shri Sumesh Bajaj, Govt. Advocate for the respondents/State.

ORDER

(10th October, 2006)

1. Learned counsel appearing for the petitioners submits that while working as Assistant Teachers/Upper Division Teachers, the petitioners have gone on training to improve their qualifications on their own expenses and acquired B.Ed./B.T.I Examination Certificates.

2. The present writ petitions, being W.P.(s) Nos. 5481/2006, 5484/2006, 5485/2006, 5487/2006, 5488/2006, 5489/2006, 5490/2006 and 5491/2006 involve similar facts and common question of law. Thus, these petitions are being disposed of by this common order.

3. According to learned counsel for the petitioners, the petitioners are entitled to two advance increments in view of the decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed./B.T.I. Examination

Certificate on his own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

4. Learned counsel for the petitioners further submits that the facts and question of law involved in the present cases are squarely covered by decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioners.

5. Accordingly, the writ petition is allowed in terms of the order passed in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), subject to verification of the fact as to whether the petitioners have acquired B. Ed./B.T.I. Examination Certificates on their own expenses or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu